

Atty Docket No 4001-00800

Patent
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kenneth Tarbet §
Serial No.: 09/888,031 § Group Art Unit: 3621
Filed: June 25, 2001 § Examiner: N/A
For: Customer Preferred Product Sales § Confirmation No.: 7507

Mail Stop: Petition
Attn.: Office of Petition
Commissioner For Patents
PO Box 1450
Alexandria VA 22313-1450

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile
transmitted to: Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 to facsimile number 703-872-
9305 on 1-19-2005.

Edith S. Shek
Edith S. Shek

PETITION UNDER CFR § 1.182

Dear Sir:

Applicant filed the above-identified patent application on June 25, 2001 and established the "Small Entity" status. A Notice of Abandonment was issued on February 2, 2004 due to the non-receipt of a response to file corrected application paper and a Petition was filed on February 25, 2004 for Revival of an Application for Patent Abandoned Unintentionally with the payment of the Petition Fee of \$1,330.00 without claiming the small entity status. The Petition was granted March 12, 2004.

Applicant subsequently requested a \$665 refund of the overpayment in the Petition Fee as a large entity to be credited to Deposit Account 50-1515, Conley Rose, P.C. under 37 CFR §1.27(g)(1) and MPEP 509.03 (VII). However, the entire Petition Fee of \$1,330.00 was credited to such Deposit Account.

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PAGE 2/4 * RCVD AT 1/19/2005 12:41:07 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-1/1 * DNIS:8729306 * CSID:9727312289 * DURATION (mm-ss):01:36

04/14/2005 AXELLEY 00000005 501515 03886031
Sale Ref: 00000005 DR# 501515 03886031
01 FC#E453 865.00 DR

Atty Docket No 4001-00500

Patent

Since the Office has refunded the full amount of the Petition Fee, Applicant respectfully submits the enclosed Fee Transmittal in payment of the Small Entity Petition Fee for the already granted Petition to Revive Unintentionally Abandoned Application in the above-identified patent application. Furthermore, given that this refund error was made by the USPTO, Applicant respectfully requests that the \$400.00 fee for this \$1.182 petition be waived or refunded to Deposit Account 50-1515, Conley Rose, P.C.

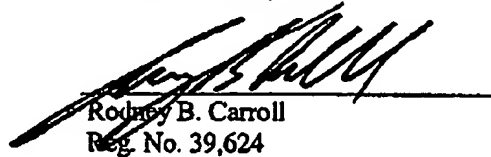
Respectfully submitted,

CONLEY ROSE, P.C.

Date:

1-19-05

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Rodney B. Carroll
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ATTORNEY FOR APPLICANT